

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

BOARD OF ELECTIONS OF THE
STATE OF NEW YORK, et al.,

Defendants.

Case No. 1:25-cv-01338-MAD-PJE

**NOTICE OF PROPOSED MOTION TO DISMISS
OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED
PEOPLE AND THE NAACP NEW YORK STATE CONFERENCE**

The National Association for the Advancement of Colored People (“NAACP”) and the NAACP New York State Conference (“NAACP NYS”) (together, “NAACP Intervenors”) have moved to intervene in this case. *See* Dkt. No. 7. Their motion to intervene remains pending at this time. That said, the United States has confirmed in writing that it no longer opposes the NAACP Intervenors’ motion. *See* Dkt. No. 66 (withdrawing prior opposition to motion to intervene); *see also* Dkt. No. 64 (identifying supplemental authority in support of intervention). Moreover, the time to oppose the motion has lapsed, meaning that—under Local Rule 7.1(a)(3)—all parties consent to the motion.

The Court has ordered that “[a]ll” motions to dismiss the complaint shall be filed by December 30, 2025. *See* Dkt. No. 68. Accordingly, the proposed NAACP Intervenors hereby submit, through undersigned counsel, this proposed motion to dismiss the complaint with prejudice, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Local Rules 7.1 and 12.1, and the Court’s December 16, 2025 order in this case (Dkt No. 68). They further submit the attached supporting memorandum, which sets forth why the United States has not alleged an

adequate claim upon which relief may be granted. The proposed NAACP Intervenor respectfully ask that their proposed motion and accompanying memorandum be lodged on the docket upon any grant of their motion to intervene.

Consistent with Local Rule 7.1(a)(2), proposed NAACP Intervenor have conferred with the existing parties over email. Plaintiff United States does not oppose the filing of this proposed motion to dismiss. Defendants Raymond Riley, III, Peter Kosinski, and Anthony Casale take no position. As of the date of this filing, remaining Defendants have not provided their positions.

WHEREFORE, the proposed NAACP Intervenor respectfully ask that the Court accept and lodge the proposed motion and memorandum upon granting intervention to the NAACP Intervenor and, further, that the Court dismiss the complaint with prejudice for the reasons herein.

Dated: December 30, 2025

Respectfully submitted,
/s/ Aria C. Branch

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* Application *pro hac vice* and Motion for Limited Admission granted

Counsel for Proposed Intervenor-Defendants National Association for the Advancement of Colored People and the NAACP New York State Conference

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system.

/s/ Aria C. Branch
Aria C. Branch

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